

# Notice of Allowability

Application No.

10/720,546

Examiner

Robert D. Harlan

Applicant(s)

WENZEL ET AL.

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment and Terminal Disclaimer filed on 09/21/2004.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**DETAILED ACTION**

1. The Amendment and Terminal Disclaimer filed by Applicant on 09/21/2004 has been entered.

***Response to Amendment/Arguments***

2. Applicant's amendment and arguments filed on 09/21/2004 have been fully considered and they are found persuasive.

3. The rejection of claims 1-12 under 35 U.S.C. 103(a) as being unpatentable over Goode et al., Publication No. WO 98/20045 (hereinafter "Goode") is withdrawn.

4. The rejection of claims 1-12 under 35 U.S.C. 103(a) as being unpatentable over Agapiou et al., U.S. Patent No. 6,140,432 (hereinafter "Agapiou") is withdrawn.

5. The rejection of claims 1-12 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,369,174 is withdrawn.

***Allowable Subject Matter/Reasons for Allowance***

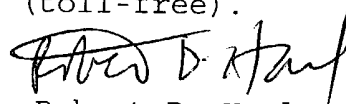
6. Claims 1-12 are allowed.
7. The following is an examiner's statement of reasons for allowance: The closest prior art located or identified by the Examiner is Goode and Agapiou.
8. Goode discloses a method for inhibiting build-up in a polymerization system during polymerization of an olefin monomer into a polyolefin comprising the introduction into the system an antifouling agent in an amount sufficient to inhibit polymer build-up. See Goode, Abstract; page 1, lines 4-7. Goode further discloses a method for olefin polymerization comprising the introduction of a catalyst (Ziegler-Natta, metallocenes, diimine metal complexes) and a cocatalyst into a reaction zone. See Goode, page 6, second full ¶ through page 18, second full ¶. Goode further discloses an antifouling agent that can be used in the polymerization process. See Goode, page 18, second full ¶ through page 24, first full ¶. Goode further discloses that the antifouling agent can be added as a gas, liquid or solid and antifouling agent can have at least one -OH functionality. See Goode, page 23, second full ¶.

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9. Agapiou discloses a gas or slurry polymerization process that substantially reduces reactor fouling and sheeting in a gas or slurry polymerization process. See Agapiou, Abstract; col. 2, lines 1-26. Agapiou discloses several "surface modifiers" that are organic compounds; the "surface modifiers" are liquids.
10. The Examiner concurs with the Applicants that Goode and Agapiou do not render the present invention obvious to one of ordinary skill in the art.
11. As of the date of this Notice of Allowability, the Examiner has not located or identified any reference that can be used singularly or in combination with another reference including Goode and Agapiou to render the present invention anticipated or obvious to one of ordinary skill in the art.
12. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert D. Harlan whose telephone number is (571) 272-1102. The examiner can normally be reached on Mon-Fri, 10 AM - 8 PM.
14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David W. Wu can be reached on (571) 273-1114. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Robert D. Harlan  
Primary Examiner  
Art Unit 1713

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